

Mr. Chairman and members of the committee -

My name is Laura d'Esterre- D'ESTERRE - I serve as the Culture of Life Spokesperson for the Montana Catholic Conference which represents the 2 Catholic bishops of Montana in the public policy arena.

I am here in support of HB – 619

This Amendment allows the Constitution to be consistent with the will of ALL Montanans. While some Montanans favor abortion policies and others do not, this amendment allows the Constitution to reflect the differing views of the issue. This amendment allows for the people of Montana to speak and declare what rights they intended their Constitution to provide. The people are entitled to amend their Constitution¹ to correct the interpretation by the courts and ensure that the Montana Constitution reflects their will.

Presently, the Montana Constitution has been interpreted by the courts to provide a greater “right” to abortion and its funding than that found within federal law. Although this amendment clarifies that there is not a RIGHT to abortion, it will NOT affect any woman’s ability to obtain an abortion. It simply clarifies that the Montana Constitution does not specify a right to the particular procedure, in fact it does not mention that procedure as the Courts have presumed. It will NOT interfere with a Woman’s Right to Privacy – that right is unaltered by this Amendment. Abortion is accessible to women because their rights to privacy are protected under the Montana Constitution. This right to privacy has been shifted from the focus on women to a focus on giving limitless rights to the practice of abortion and to clinics themselves. This amendment will NOT prohibit abortion or make abortion illegal, rather it makes the Constitution “Neutral” on the matter of abortion. Roe v. Wade remains the case law that allows women to access abortion in Montana and the Amendment to the Constitution keeps the expansive interpretation of this right by Montana courts in-check to provide some neutrality on the issue of abortion. This neutrality then does NOT regulate abortion. It does allow for future legislation to be enacted when regulations of abortion practice are deemed necessary to

¹ Montana Constitution, Art.II, Sec. 2 (1972). The Montana Constitution’s self-government provision provides that the people “**may alter... the constitution... whenever they deem it necessary.**”

protect women. This Amendment will NOT establish policy or bind the legislature with respect to future actions regarding abortion because it merely allows possibilities on the issue of abortion rather than enforcing anything in particular.

Lastly, it will NOT restrict the public funding of abortion simply by stating that Montana does not HAVE TO fund them. It only clarifies that the ability to obtain an abortion in Montana does not require that public funds pay for it. Montanans do maintain the freedom to obtain many procedures and even have a right to bear arms but the state of Montana is not **required** to fund these rights. Therefore the clarification of no right to abortion or its public funding merely aligns access to abortion with other freedoms pursued by Montanans. The only reason such clarification is necessary, in Montana, is because the Courts of Montana have given a more expansive "right" to abortions than exists within federal law or any other state. This overly expansive interpretation of the Montana Constitution in regards to abortion is believed to go beyond the intentions of the people of Montana. Allowing Montanans to voice their position on this interpretation would clarify what they intended their constitution to provide for. For this reason I ask you to pass HB 619 to appear on the ballot.